

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of  
ARM 32.3.1203 isolation of rabid or  
suspected rabid animals and  
32.3.1205 animal contacts

NOTICE OF PROPOSED  
AMENDMENT

NO PUBLIC HEARING  
CONTEMPLATED

TO: All Concerned Persons

1. On June 19, 2016, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., June 10, 2016, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.3.1203 ISOLATION OF RABID OR SUSPECTED RABID ANIMALS

(1) Any rabid or clinically suspected rabid animal must be isolated in strict confinement under proper care and under observation of a ~~deputy state~~ licensed veterinarian, in a pound, veterinary hospital, or other adequate facility in a manner approved by the state veterinarian. If professional veterinary evaluation warrants, the animal may be humanely destroyed and the brain or other appropriate tissues handled in accordance with ARM 32.3.1207. The animal must be handled in accordance with the National Association of State Public Health Veterinarians, Inc. (NASPHV) compendium of animal rabies control or other subsequently developed scientifically acceptable procedure recognized by the NASPHV.

(2) remains the same.

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, 81-2-103, MCA

REASON: The department proposes to replace "deputy state veterinarian" with "licensed veterinarian." Many small animal veterinarians in Montana are not federally accredited. This change recognizes the significant work that nonaccredited small animal veterinarians do for rabies management in Montana.

32.3.1205 ANIMAL CONTACTS ~~(1) Any nonvaccinated or not currently vaccinated animal that has been exposed to a confirmed rabid or suspected rabid animal must be either ordered destroyed by the state veterinarian or quarantined in strict isolation in a place and manner approved by the state veterinarian for a period of six months. If the animal is to be quarantined, rabies vaccine should be administered upon entry into isolation.~~

~~(2) Any currently vaccinated animal as defined in the Compendium of Animal Rabies Prevention and Control that has been exposed to a confirmed rabid or suspected rabid animal should be revaccinated immediately and observed for 45 days.~~

(1) Animals that have been exposed to a confirmed rabid or suspected rabid animal shall be managed according to vaccination status as per the Compendium of Animal Rabies Prevention and Control. Additional consideration can be given to severity of exposure, current health status, and local rabies epidemiology.

(2) Currently vaccinated animals shall be revaccinated immediately and observed for 45 days.

(3) Dogs and cats overdue for a booster vaccination with appropriate documentation of previous vaccination shall be managed as per (2).

(4) Animals without appropriate documentation of previous vaccination shall either be:

(a) ordered destroyed by the state veterinarian, or

(b) quarantined in strict isolation in a place and manner approved by the state veterinarian for a period not to exceed six months and rabies vaccine administered within 96 hours of exposure.

(5) Dogs and cats overdue for a booster vaccination and with a documented amnestic response to vaccination through serologic monitoring at the owner's expense may be managed as per (2).

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, 81-2-103, MCA

REASON: The department proposes to revise management of animals exposed to a rabid or suspected rabid animal to be consistent with the recently released 2016 Compendium of Animal Rabies Prevention and Control. These changes reflect current science showing the response to vaccination of an animal past due for rabies vaccination, as well as better data about the incubation period of the disease.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., June 17, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written

comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., June 17, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 80, based upon approximately 796 licensed veterinarians in Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Cinda Young-Eichenfels  
Cinda Young-Eichenfels  
Rule Reviewer

Certified to the Secretary of State, May 9, 2016.